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MARCH 18, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

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FEB 12, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Develle Spencer

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

08CV903
JUDGE GETTLEMAN
MAG. JUDGE VALDEZ

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

Cook County Sheriff Thomas Dart
Director CCDOC Salvador Godinez
Superintendent Snooks, Sheriff
Sheriff Morgan (Correction), Sheriff
Hart (Correction), Porter Correction

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

- ☒ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**
U.S. Code (state, county, or municipal defendants)
- ☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE 28 SECTION 1331 U.S. Code (federal defendants)**
- ☐ **OTHER (cite statute, if known)**

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: Develle R. Spencer
- B. List all aliases: Eric Hodges
- C. Prisoner identification number: 2006-0047519
- D. Place of present confinement: Cook County Dept. of Correction
- E. Address: 2600 S. California, Chicago, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Thomas Dart
 Title: Sheriff
 Place of Employment: Cook County Sheriff's Deptmt.
- B. Defendant: Salvador Godinez
 Title: Director of Cook County D.O.C.
 Place of Employment: Cook County Jail. 2600 S. California ^{chgo. IL.} ₆₀₆₀₈
- C. Defendant: Mr. Sooks
 Title: Superintendent
 Place of Employment: Cook County Dept of Correction Division 11

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D

Defendant: Correction of Morgan

Title: Sheriff's Correction

Place of Employment: Cook County Deptmt of Correction (1st shift) Div. 11

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Develle Spencer vs. Walsh, etc. OBC-0262
Develle R. Spencer vs. Edwin A. Burnette, etc. OBC 0263
- B. Approximate date of filing lawsuit: January 11, 2008
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Develle R. Spencer
City of Chicago, Chicago Police Dept. Officers, Walsh, Sebastian, Sgt.
Stephen F. Piertzak / Develle R. Spencer vs. et
- D. List all defendants: City of Chicago Police Dept. Officers, Walsh, Sebastian,
Sgt. Piertzak, Stephen. / Law Office of Cook County Public Defender
Edwin A. Burnette Asst. Camille Calabrese A.P.D.
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois
- F. Name of judge to whom case was assigned: Judge Hart - OBC 0262
Judge Castillo OBC 0263
- G. Basic claim made: Violation of Constitutional Rights 4, 14 & 16th
Amendment
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): still pending
- I. Approximate date of disposition: Current

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I have a concern for my safety because of my difference in sexual preference here at Cook County Department of Correction. Dealing with acceptance with detainees proves difficult in day to day battle. At first I denied revealing my bisexuality for fear of being discriminated upon. by other detainees, officer for instance. A first shift Correction officer at Cook County Div. 11. and also my tier officer would come to work and verbally abuse me and my particular crowd. but mostly my buddie Greg Lockett on D&G -307. Because Mr. Lockett was more liberal with his preference and ofc. Morgan couldn't deal with or accept that aspect of this detainee. So he (Morgan) would pick with Greg or those whom associate themselves with Greg Lockett. by calling him or us "Things", Fag, Faggot, At count time when Morgan would count before starting his shift (which is first shift 7-3) He would stop at Mr. Lockett's cell making derogatory statements -get your thumb out sissy boy and would kick on Greg's door this being cell 307. This started every since Mr. Lockett moved on D&G tier. This constant picking on Gregory grew so that on Jan 28th 2008. Mr. Lockett was removed off the Tier and placed a beat down upon and

was sent to the Hospital and this cruelty was inflicted for personal dislike. By the very people whom are suppose to secure me from harm. Not treat me as an out cast as 'something' different because of my sexual preference or beat a person down and then cover your self and your fellow officers Hate crime by saying that the incident took place on the tier when it happened in a place known as the Wreck Room where officers normally take their most disliked detainees and 5 or more beat you. Ironie this room is actually called the Recreation or Rec Room. I am in fear of submitting my grievance because of this incident that took place with Greg, but what's scary is this Misconduct is that of the organized corruption. Our wing quarters was locked down because it to make it that Gregory Attacked Ofc. Morgan in the cell 307 Did not, Martel Jackson, Dawayne Tolliver, Tracey White, Earley Ware, William Bainer, Ismel Ortiz are "some" of the detainee whom witness the truth. We were denied grievances (which are rare to acquire here in Airt. 11). If these people can come together to hide a hate crime been committed Then who's going to stop them from harming me next. Where do I get equally protected. Gregory Lockett, got another charge and a beatdown. Because a officer did not like his choice of preference who's to stop him from expressing his dislike of my Bi Sexuality (or any other officer). I could be next! I fear for my life, I'm sending copies of My grievance which I am scared to put in but I am trying to follow procedure properly to file.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Termination of Officers in immediate contact
of incident, suspension of those who stood idly ^{failed to} ~~and~~ prevent
fellow officers of committing the Misconduct/crime

2.5 Million

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 2 day of Feb, 2008

Develle Spencer

(Signature of plaintiff or plaintiffs)

Develle Spencer

(Print name)

2006 0097519

(I.D. Number)

P.O. Box 089002

Chicago, IL 60608

(Address)

Attn: Judge

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (X) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (X) NO ()

C. If your answer is YES:

1. What steps did you take? interviewed, (Lt. Mariweather, Capt Everhart) (Division XI eleven..)

immediately after submission of handwritten grievance form, because grievance not available. Then another properly. Then after, the one involved ^{came} to my cell entered my cell, order my cellie, Martel-Jackson to get out of bed and step in the dayroom in his boxer shorts, to pull an intimidation move. A grievance was file also and given to Lt. Mariweather, Capt. Everhart.

2. What was the result?

"At first" I was to be removed from that division. As soon as I got back from seeing the doctor. But that changed, I was AM kept in the same "accessible" to those officers, division. After explaining I fear for my safety with these officers. Protective Custody Means 23 hr lockdown. Away from getting on the phone to my folks at an available 3.

If the grievance was not resolved to your satisfaction, did you appeal? What time they can be reached. P.C. was not a option.

What was the result (if there was no procedure for appeal, so state.) The Superintendent for Division XI stopped, the attempted good faith of Lt. Mariweather & Capt. Everhart, me from being transferred out of the div. Where ~~harm~~ ^{harm} could come lurking. Thomas Spook (the Superintendent) has obviously displayed

D. If your answer is NO, explain why not: poor concern of my safety by keeping me here when I've been threatened already. I am sending along most of the paperwork

I've file in attempt to exhaust Administrative Remedies

"at the risk of being hurt in the process."

- E. Is the grievance procedure now completed? YES () NO () *I was interviewed by a Capt. Everhart, Lt. Martinweather and I haven't heard anything*
- F. If there is no grievance procedure in the institution, did you complain to authorities? YES (☒) NO () *else yet.*

G. If your answer is YES:

1. What steps did you take?

2. What was the result?

H. If your answer is NO, explain why not:

DETAINEE COPY

Part-A / Control #: XReferred To: Supt. DW-11☒ Processed as a request.

COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Detainee Last Name: SpencerFirst Name: DevelleID #: 2006 - 0097519 Div.: 11 Living Unit: DG Date: Jan / 31 / 08

BRIEF SUMMARY OF THE COMPLAINT: On Jan 28th 2008, A gay bashing took place - initiated by officer Morgan - made to look as detainee attacked him on the tier DG in cell 307. Now DG is on lock down for an incident provoked by tier officer's derogatory remarks to detainee. Ofc Morgan - Fag, That thing... Comments toward detainee while packing his property to move and in compliance to ofc order. But was taken to the "Rec" or "Wreck" Room to be beaten. In the course of this Gay Bashing hate Crime, I fear for my own safety as a sexual. I could be next! I refused revealing my preference to C.D.D.C. for fear of what happened to ^{Lockett} Greg, happening to me. Being with discrimination, and being denied equal protection which I'm entitled to. It's my Right just as Greg's Right: Witness that derogatory remarks, and attack

NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT:

Ofc. Mims, Johnson, Rodriguez, Hickman, comments from ofc Morgan about Greg, Fag - thing etc. Tracey White, Develle Spencer, Ismael Ortiz, Martel Jackson, early Ware, Riddick (DJ) Maurice Brown

ACTION THAT YOU ARE REQUESTING:

Hate Crime was committed - charges brought up on all ofc in contact: Porter, Hartman, Lopez, Tellado. Those who stood idly by and failed to stop fellow officers too.

DETAINEE SIGNATURE: Develle Spencer

* Detainee I'm speaking of: Greg Lockett assaulted by ofc. 12/8/08
C.R.W.'S SIGNATURE: A. Morgan DATE C.R.W. RECEIVED: 2/5/08

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.
All appeals must be made in writing and directly submitted to the Superintendent.

In attributes to the wrongful beating of Gregory Lockett - Div. II DG, 307 January 28th 2008, by his ~~deir~~ officer-whom days before constantly expressed his opinion about gay people. whether verbally, and or now physically Officer Morgan's action and those liable for idly standing by (Officers, Hickman, Mims) and those in immediate contact of this beating (officers whom are listed, Pg. 4). ~~That is~~ my reason for denying to reveal my sexual preference (Bi-Sexual) when being processed. for fear of being with discriminated upon, treated with less respect. Even though I am suppose to be ~~secure~~ ~~of~~ harm being done to me because I'm suppose to be safe, in the care of this facility, as well as the guarantee of the U.S. Constitution's 8th & 14th Amendment. Officer Morgan's action is good reason ~~that~~ why I have little faith in my right to be equally protected. Also why I suppress my preference "to avoid being label and persecuted suches the way ofc. Morgan did. when calling detainee Greg. Lockett Fag, That thing. Remarks which clearly expressed his dislike, contempt toward gays in his presence.

It disturbs me that just because of a Man's Sexual ~~pre~~ference ~~And~~ it's known, here. He is subject to wound up in the "WRECK" room - Recreation room, and beaten, by officers in particular.

^{PO}Witness staff or Detainee: Reddick, Anthony 49 yrs. old. see Pg. 4.
Ofc. Mims 7-3 shift. see Pg. 4.

Action That You Requesting: Apology, Terminate the corruption abuse of power, intimidation, and possibly charges file!

with immediate contact acting under the color of state law standing by idly and fail to prevent a fellow officer commit an act resulting in constitutional deprivation, and or breaking the law. Officers on 7-3 shift Div. 11 D-Pod - upper D., Morgan being the assailant in this matter. Vent his frustration and contempt toward the presence of a liberal gay person by invoking an alleged reason to brutally beat a gay person - this being Greg - DG 307 Div. 11 1/28/08, for being him in his assigned cell during Count 7:00AM Count. (Nude in bed alone sleep or not does not warrant excessive force, nor does any persons opinion or dislike for mine. What happened to this detainee could've happened to me or any open person of the peculiar community. I fear this happening to me through my association with Greg. What's so frightening is the fact that it's not the average guy (or detainee) from the streets. But that it's an Officer and with the law on his side. He is virtually invincible and his actions clearly expresses that they can do to anyone whatever he wants whenever and however he feels and wants. As officers and believed ultimately because of their status as officers... "Virtually invincible". This is what's intimidating and has me afraid for my life. These sort of personalities are working here and suppose to protect me from the very pain physical anguish/agonizing he has inflicted through his personal issues. How am I to entrust my life with being protected equally. When the one who's doing the patrol of protecting becomes my assailant. Who's watching the guards, who's protecting me from them? Example - DG is

currently on lockdown for an incident that took place off the tier - To be precise, in the place officer often call Detainees to as an invite to knuckle up with, but actually where the Detainees get "wrecked" brutal beatdown. I don't call this place is also titled "Rec-Room" short for Recreation. Hallway Trustees Mop'd the Blood up off the Rec Room floor. Detainee Riddick - age 49 Heavy-set, Another Afro American, & Caucasian, on D.J. Pod D. We have now no power in our cells - because we made a fuss for grievances; Organized Misconduct, has me writing in the dark.

Officer:

I as a bisexual, am afraid. I am submitting my grievance, but not here in Div. 11. If they are organized to this degree where grievances aren't permitted, powerless cells, lockdown to cover fellow mans/officers Report... Per Sup.? Then My grievance (which was xerox by Lt. Mariweather front page) because Counselor isn't available to us since lockdown. "No grievance", is only a front page. But copy, original for you.

Thank You

The hall worker, A. Riddick, witness'd the beating in D-Pod Rec' Room - Poolroom area / Mop'd up blood.

Officer's liable with immediate contact Remarks

- 1.) Porter - Body Slam detainee Greg./Bitch, Faggot
- 2.) Hart - Jumping off pool table onto detainee
- 3.) Lopez D-Pod officer 1st shift - Queirre
- 4.) Tellado D-Pod officer 1st shift - Punk Muthafucker
- 5.) Johnson D-Pod officer 1st shift - Sissy Bitch
- 6.) Morgan D-Pod officer 1st shift - Faggot, Mutha Fucker

Officer's liable: present at the scene stood idly by and fails to prevent a fellow officer commit an act resulting in

1.) Hickman 3.) Rodriguez

2.) MIMS

Constitutional deprivation.

Officers including Ofc. Morgan went into the pool Room - "Rec" room. Lopez, Tellado, Johnson and commence hitting detainee. Hate Crime Act - Ofc. Morgan, as for Lopez, Tellado, Johnson - Assisting their fellow officer in it.

Derogatory remarks toward Greg's presence here on D.G. toward gay - Morgan - D.G. officer. Persons spoken to, TelR workers, Hall workers, Ofc. MIMS, every since Greg's appearance on D.G.

TelR workers:

Hall workers:

Develle Spencer

"Riddick", Saw alot, heard alot

Tracey White, Maurice Brown.

but afraid - 49 yrs old.

Teir Witness: Tracey White, Maurice Brown

Marcel Jackson, Early Ware, Ismael Ortiz, No Attack took place - on or from detainee Greg onto any officer. Officer Morgan's provocative remarks were

aggravating... Faggot Mother Fucker - witnesses DB. 401 Ismael Ortiz, Tracey White, Martel Jackson. Derogatory Remarks toward Greg from Ofc. Morgan leading up to 1-28-08 incident... Witnesses: Develle Spencer, Tracey White, "his coworkers". Even his 1st shift coworkers, Ofc. Mims, Hickman Rodriguez heard Morgan openly refer to detainee Greg as "The Fag". (Mims, Hickman, Rodriguez, Lopez, Tellado Johnson - Mims would most likely keep it real with you. He's a good Church Man... The others fellow Brothers in Blue Maybe Mims too. I've been lock'down for 4 days now to cover another's bogus Report. Why is Teir DG on lockdown if incident occurred ~~in~~ the ~~teir~~ and in the (Pool) Rec Room?

Spencer